

1 UNITED STATES DISTRICT COURT
2 DISTRICT OF NEVADA

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4 DEREK LAND,

Case No.: 2:22-cv-01641-APG-EJY

5 Plaintiff,

6 v.

AMENDED ORDER
Re: ECF No. 89

7 ALLIED COLLECTION SERVICES, INC.;
8 EXPERIAN INFORMATION SOLUTIONS,
9 INC.; EQUIFAX INFORMATION
SERVICES, LLC; and TRANS UNION LLC,

10 Defendants.

11 The Court, having reviewed Plaintiff's Objection at ECF No 90, *sua sponte* reconsider its
12 Order at ECF No. 89 in which it granted an award of attorney's fees and costs.

13 The Court finds it erred in reducing fees awarded to Plaintiff's counsel based on activity in
14 which such counsel engaged before being admitted to practice *pro hac vice* before this Court. A
15 review of *Winterrowd v. American General Annuity Ins. Co.*, 556 F.3d 815 (9th Cir. 2009), leads the
16 Court to find Mr. Chami would certainly have been admitted to appear *pro hac vice* as a matter of
17 course had he applied when certain time was spent in activities related to the litigation of this case.
18 The Court further finds there is no suggestion that Mr. Chami engaged in any unprofessional conduct
19 at any time during these proceedings. Thus, reduction of fees for time spent before admission *pro*
20 *hac vice* was unwarranted.

21 Based on the foregoing, the Court's Order at ECF No. 89 is amended to award payment for
22 an additional 10.2 hours of Mr. Chami's time. This results in an increase of \$6,920.00 for a total
23 award of attorney's fees in the amount of \$60,630.00.

24 Accordingly, **the Court's Order at ECF No. 89 is incorporated into this Amended Order**
25 **and remains in full force and effect except as stated below:**

26 1. Because the Court amends its Order at ECF No. 89, Plaintiff has the right, but not the
27 obligation, to refile an Objection if he so chooses.
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2. Plaintiff **must** advise the Court and opposing counsel whether he intends to refile an Objection no later than **January 29, 2025**.

3. If Plaintiff chooses to refile an Objection, the refiled Objection is due no later than **February 12, 2025**. The response is due no later than **February 28, 2025**.

4. If Plaintiff chooses **not** to refile an Objection, he **must** file a notice with the Court, serving Defendant, stating in sum, that he adopts his currently filed Objection in full except for Section C regarding the failure to award fees incurred prior to *pro hac vice* admission.

5. If Plaintiff chooses **not** to refile an Objection, Defendant's response to the Objection is due no later than **February 12, 2025**.

6. Because an Objection was filed, the Court *sua sponte*, stays its Order awarding attorney fees of \$60,630.00 and costs in the amount of \$2,742.50 until **fourteen (14) days** after the date on which the district judge issues his order ruling on the Objection.

Dated this 24th day of January, 2025.


ELAYNA J. YOUCHAH
UNITED STATES MAGISTRATE JUDGE